

Impact Study for Proposed Brighton Gardens Heartside Assisted Living Center prepared by Professional Engineering Associates, Inc.; Application to Rezone; Notice of Public Hearing; The Marriott Family of Senior Living Communities; Letter dated January 6, 1999 from Barbara J. Jones; Letter dated January 13, 1999 from Marianne S. Kainz.)

**B. Special Land Use Approval - File No. 98-037 (Public Hearing)**

Project: St. Paul Albanian Catholic Church  
A 45,570 square foot church community  
Request: Special Land Use Approval  
Location: Southeast corner of Auburn Road and M-59  
Parcels: 15-34-127-001, 002, 003, 005, and 15-34-201-001, 003, 004,  
zoned R-3, One Family Residential  
Applicant: St. Paul Albanian Catholic Community  
3411 Twelve Mile Road  
Warren, Michigan 48092

(Reference: Staff Report prepared by Patricia A. Goodwin dated January 13, 1999 has been placed on file and by reference becomes part of the record hereof.)

Present were Attorney Joseph Dedvukaj who is also a parish member as well as a Building Committee member, and Jack Brown of Brown-Teefey & Associates Architects. Also present were Rev. Anton Kcira, the church pastor; Vasel Nicaj, Building Committee chairman; Gjon Gojcaj, president of the council; several parish members as well as several other persons interested in the project.

Ms. Goodwin explained that special land use approval is for a use that is permitted in any zoning district with special approval of the Planning Commission and City Council after a public hearing and a determination that all the discretionary standards of Section 23.17.d. and Section 21.07.a. of the Zoning Ordinance can be met. An analysis of those standards has been supplied to commissioners in their packets. The current Master Land Use Plan calls for continued residential land use in the subject area. However, current Master Plan Update discussions are considering other types of land uses that would be appropriate for so-called residual parcels in the city. The subject property has been before the staff on more than one occasion. The site is very much constrained by the extent of the wetlands and natural features on the site. There are some issues to consider in terms of what the Planning Commission's ultimate goal is for land development in the subject area. Ms. Goodwin's staff report poses four questions which should be considered in the Planning Commission's review. City Council will ultimately approve or disapprove the subject request; the Planning Commission only makes a recommendation. If the special use were allowed, a more thorough site plan would be submitted. Many of the standards cannot be fully addressed because a complete site plan has not been submitted. The Planning Commission should consider that there are two existing large church complexes within one square mile of the subject site -- the Islamic Center and the Rochester Hills Baptist Church.

Mr. Dedvukaj stated that the subject church community is presently situated in the City of Warren, and their spiritual, social and educational needs have driven them to Rochester Hills. Three years ago they selected the subject site that is owned by the Archdiocese of Detroit. A wetland determination has been made which indicates that there are approximately 19 acres of buildable land, with approximately 6 acres of wetlands. Mr. Dedvukaj displayed colored renderings, elevations and the floor plan as well as photographs. Mr. Dedvukaj highlighted for the commission as well as the public that the property is bound by M-59 on the southwest, to the east by a residential community, and to the north by Auburn Road. The proposed development will have a minimal impact on the surrounding properties. The church proper will be located in the southwest area of the site, closest to the point where Auburn Road and M-59 meet, which provides a buffer of six to ten acres between the structure itself and the residential community to the east.

Mr. Brown explained that the 25.4 acre subject site is not an easy one to develop because the wetlands bisect the site diagonally. They had the choice of placing the primary structure on either section of the site and chose the section on the west side. They have placed as much of the parking as possible on that western portion of the site, which means a wetland crossing will be necessary to reach the remainder of the parking. They will also have to cross the wetland to provide access to the proposed rectory and convent. They have tried to provide as much buffer as possible to the neighbors with a six foot high berm 60 feet in width. The proposed church will

be 132 feet from Auburn Road, which makes it possible to build a taller building than a residential house. The mean height of the main church is 34 feet to the roof, with a total height of 76 feet including the tower. They have stayed away from the hill in the northwest corner of Auburn and M-59. The church itself will seat about 1250 people, and they have exceeded the parking requirement. Mr. Brown pointed out the locations of the chapel which could accommodate overflow, administrative offices, library, educational areas, and a hall. It is common for parishioners to remain for quite some time after mass, so the complex becomes a social center as well as a religious one, and it is very important to the Albanian community. They are proposing split face block with an integral color extending into the mortar, with limestone trim around the church. Mr. Brown pointed out two proposed drop-off points providing for six cars each.

**The Chair opened the public hearing.**

**John Przybysz, 3120 Primrose**, asked if there was a city ordinance specifying places of worship within a specific area, and if the proposed use would be breaking any city ordinance. He would not want the property rezoned. Residential properties pay taxes; churches do not pay taxes.

**Carol Pociask, 3228 Norton Lawn**, asked if there were any plans to make any preservation areas for the existing wildlife in the area. There is an existing natural creek on the site. The existing trees on the site act as a buffer to noise from M-59, which gets louder and louder every year. She was concerned that the trees would be removed and the residents would lose the buffer.

**Angela Kaput, 3112 Norton Lawn**, was concerned with the traffic in the area and the safety of children as her son was hit a couple years ago. She asked how construction traffic would enter and exit the site, and how long after approval would construction begin. Perhaps a traffic light could be installed in the area.

**The Chair closed the public hearing.**

Ms. Goodwin addressed the public comments by stating that churches, libraries, roadside stands, and a few other uses are permitted in any zoning district in the city if they meet the minimum requirements, such as location on a major thoroughfare of 120 feet in width. There is an exemption for steeples that every foot of additional height be compensated with additional setback distance from the property lines. These provisions apply to uses that are customarily associated with neighborhoods and are intended to be situated on the edge of neighborhoods. There are certain impacts that need to be mitigated since it is not a residential home, in terms of traffic and public safety, buffering and screening, utilities and demand for public services. All of the churches currently in the city have been developed along these guidelines.

Mr. Dedvukaj appreciated the concerns expressed by the citizens. Regarding churches not paying taxes, Mr. Dedvukaj explained that people like to live near churches, and often the demand for housing increases near churches; restaurants get busier around churches. Churches bring in other business to the city even if they do not contribute to the tax base directly. Since the site is currently vacant, the taxes presently are minimal. The ingress and egress to the site will be from Auburn Road -- no additional traffic will occur in the subdivision as a result of the proposed development. They have worked with the city environmental consultant as well as their own hired consultant to assess the wetlands, wildlife, and the creek. No wildlife has been observed; most of the trees are mostly brush. They intend to increase the vegetation with trees and bushes so that the church is harmonious with the environment. They are a nature loving people and come from a mountainous region in Europe with most of their ancestors being farmers who were sensitive to the environment. They intend to beautify the site as much as possible. Regarding construction traffic, the archdiocese is very community conscious and imposes construction rules. There will be a minimal impact to the roads during construction. They would like to break ground in November 1999. The construction drawings are not available yet.

The Chair added that the likelihood of a traffic light being installed in the area is pretty slim.

Mr. Brown explained alternatives that have been considered for the access drive, the placement and amount of parking, and the need for a soccer field at a church. Recreation is recreation, and the church can or cannot sponsor it. The hall is suitable for basketball and volleyball. The

soccer field is an option. Access to the site must be in alignment with one of the two residential streets to the north, or between them. The proposed plan indicates the access road between the two residential streets which seemed to be less damaging to the wetlands and more central to accessing the site. There were not that many options for placing parking due to the existing wetlands, the wetland setback, and the size of the proposed building. They have reduced the size of the proposed building two or three times.

[ Enter Kagler 10:19 p.m. ]

Continuing, Mr. Dedvukaj explained that the current congregation size is approximately 900 families. Active members number around 300 to 500 families. The proposed church and overflow chapel would accommodate 1250. At their current facility in Warren they average 600 to 800 people per Sunday service. They anticipate roughly doubling their current capacity with the new proposed facility.

The Chair reviewed the four questions from the staff report that should be addressed by the Planning Commission -- 1) Does the Planning Commission believe that the proposed use enhances or aggravates the existing and proposed use patterns in the area, since there is already an established and large religious complex in the subject neighborhood? 2) Will the goals and objectives of the current and proposed Master Land Use Plan to encourage orderly residential development in the subject area be met with a large non-residential use such as the proposed church complex? 3) Would the proposed land use enhance or adversely impact the preservation of natural features more or less than the uses that are planned for the subject area? 4) What are the fiscal implications and public service implications of the proposed land use and how do they compare to the fiscal implications of the proposed land use being contemplated by the new Master Plan?

Member Ruggiero believed that the subject religious complex should be considered independently of any other religious complexes in the city. The proximity of the proposed use to other ones should not be a factor.

Ms. Goodwin stated that no studies have been done to determine whether the Rochester Hills community was under- or overpopulated in terms of the amount of church seating. The questions presented to the Planning Commission are based on compatibility and harmonious concerns and are inspired by a nation-wide concern regarding churches and their movement from traditional Sunday-only-worship activities into something more of a cultural and social gathering place which includes activities throughout the week. Ms. Goodwin wanted the Planning Commission to be aware of it and to determine whether or not it is an issue.

Personally, the Chair could not believe that a community could ever have too many churches. On the other hand, the Chair did not completely agree with Member Ruggiero that the subject project should not be considered in relation to similar neighboring complexes. In terms of the location and size, the proposed project is incredibly intrusive to the wetlands. There possibly are options for the road related to the elevation of the building. Although the neighbors would not like to hear it, access to the subject site from Shadywood would eliminate all wetland crossings. The Planning Commission must decide which issues are to be given the greatest priority.

Member Krupa considered the proposed project in terms of its use within the R-3, One Family Residential zoning district. He did not think the location of the Islamic Center on Auburn Road was an issue since it was separated from the subject site by M-59 and a bridge. Likewise, Member Krupa did not perceive the Rochester Hills Baptist Church on Livernois opposite Hazelton creating a problem in terms of conflicts with scheduling worship services or traffic. If the site were developed as single family residential, there would probably have to be two separate subdivisions to avoid a wetlands crossing. There would then have to be two connections, one from Auburn Road and one from Shadywood. He projected 60 homes based on the density for 20 buildable acres.

Member Rosen identified a fundamental difference with the Islamic Center as it was developed piecemeal, which has caused a great deal of consternation in the area. The subject project is proposed as a whole and is basically landlocked on three sides. Member Rosen perceived some potential for aggravation. It's a mixed blessing of increased church attendance on one hand and increased traffic on the other.

Mr. Brown stated that they have not determined the actual impact on the wetlands. Also the

Wolf Drain also goes through the site which will have a greater impact on the wetlands than the proposed wetland crossing. Mr. Brown also did not have any demographics on church population in Rochester Hills.

The Chair mentioned that a 48-townhouse PUD would be possible on the subject site as has been discussed in the master plan update meetings.

From a planning perspective Member Rosen perceived the proposed development as a residential amenity as opposed to a commercial development, although it is a much larger development than other churches in the community. The proposed development did not appear to be that bad, although the submitted concept plan may not be the best for the site.

Mr. Dedvukaj estimated that 90 to 95 percent of the congregation members live north of Detroit in surrounding communities and 5 to 10 percent are Rochester/Rochester Hills residents. The Archdiocese of Detroit bought the property about three years ago.

Regarding Ms. Goodwin's fourth question, Mr. Nowicki remarked that the subject site would be difficult to develop even for townhouses. He thought the site would be more suitable for a church facility. The four questions posed for the subject site were not asked recently with the Church of the Nazarene on Walton Boulevard.

From a fiscal standpoint Member Krupa thought it would be a wash in terms of single family homes providing a tax base. It disturbed him somewhat that Dr. Beebe did not consider this site as a possible church during Master Land Use Plan Update discussions since the church has owned it for three years. It was difficult for him to discuss financial aspects based on a concept plan.

The Chair compared the subject request with a proposed child care center on Auburn west of Livernois and proposed townhouses on Walton Blvd where extensive site plans were considered in conjunction with special land use requests.

Member Rosen pointed out that the Church of the Nazarene development on Walton Boulevard involved relocating the church to another site, and was truly a wash in that a new church community was not being added.

Ms. Goodwin stated that even though the Planning Commission has received full-blown site plans with special land use requests in the past, they are not required. The issue is whether or not the subject church use can be made to conform with the requirements of site plan approval. A special land use approval can be made subject to site plan approval. Requesting special land use approval with a concept plan provides the applicant the benefit of a preliminary review with the Planning Commission to identify issues that need to be addressed in the site plan.

The Chair pointed out that the Planning Commission may require the applicant to furnish such surveys, plans, or other information as may be reasonably required for the proper consideration of the subject matter. In addition, the Planning Commission is required to investigate the circumstances of each such request. The Chair reviewed the requirements of Section 23.17.d. of the ordinance. The Chair was not convinced that the submitted concept plan will work on the site, and the size of the development stupefied him; but he would like to see a church on the subject site.

Regarding whether or not a school structure would be included and considered as part of the special land use request, Mr. Kagler referenced his letter dated January 13, 1999 in which he pointed out that it has not been specified what the total use of the site would be. If the site included a school, a day care center, or other public or gathering uses unrelated to the church, they may be subject to additional approvals.

The Chair would want to see a detailed plan on the intended intrusion on the wetlands as well as details on the days and hours of operation and the kinds of activities. Mr. Brown added that the primary use of the subject property is a church function; any incidental uses -- catechism, gatherings -- are germane to every church. They do not intend to run a business out of the church; it is a not-for-profit organization. They have no plans for bingo or day care as those activities are not part of their current operation. They would probably not be in opposition to such conditions.

Rev. Anton Kcira explained that currently church services are held every night at set hours. They do not have a high turnout during the week -- only on Sundays and holidays like most churches. They do not presently have any sporting activities, but there is land available on the site for such. They would like to have the option to include something similar in the future, but they have no specific use in mind now.

The Chair suggested that, if a motion is made to recommend approval of the special land use request, it should include a strong statement that the concept plan dated received October 14, 1998 is in no way countenanced as an approved site plan. Additional conditions could state not crossing the wetlands in two places, reducing the parking, or reducing the size of the building.

**MOTION** by Ruggiero, seconded by Boswell, in the matter of File No. 98-037 (St. Paul Albanian Catholic Church), that the Planning Commission **recommend approval** of the request for a Special Land Use for a 45,570 square foot church community on the southeast corner of Auburn Road and M-59, identified as Parcel Nos. 15-34-127-001, 002, 003, 005, and 15-34-201-001, 003, 004.

FINDINGS:

1. The proposed building would be located so as to provide for ingress and egress directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least eight-six (86) feet in width as shown on the current City Master Right-of-Way Plan.
2. The requirements of Sections 21.07.a. and 23.17.d. of Zoning Ordinance 200 can be met.

CONDITION:

1. That site plan approval be obtained, based on the submittal of a fully detailed site plan and not the submitted concept plan dated received October 14, 1998 and considered as part of the special land use request.

Discussion on the motion:

Member Rosen suggested a finding that the recommendation of approval does not carry any implied site plan approval. Conversely, Member Gaber stated that a condition could be tied to the general layout of the concept plan as long as all the site plan requirements can be satisfied. The Chair pointed out that the proposed motion to recommend approval contradicts both the city staff's and consultant's recommendations, which has been done before.

Member Nowicki Called the Question.

Roll call vote:

Ayes: Boswell, Corneliussen, Gaber, Krupa, Nowicki, Ramanauskas, Ruggiero

Nays: Kaiser, Rosen

**MOTION CARRIED.**

(Ref: Concept Plan prepared by Brown Teefey & Associates dated received by the City of Rochester Hills Planning Department October 14, 1998; Staff Report prepared by Patricia A. Goodwin dated January 13, 1999; Staff Report prepared by McKenna Associates dated January 13, 1999; Letter from Archdiocese of Detroit dated 8 October 1998; Memo dated October 16, 1998 from Stephen B. Dearing; Notice of Public Hearing regarding Special Land Use Approval; Land Use and Tree Removal Permit Application.)

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**V. NEW BUSINESS:**

**A. Site Plan Approval - File No. 98-005**

Project: Niazi Building  
A 3,250 square foot building on 0.54 acres

Requests: 1. Buffer Modification  
2. Site Plan Approval

Location: Northeast corner of Auburn Road and Hartline Drive between Crooks and Livernois

Parcel: 15-28-453-074, zoned B-1, Local Business

Applicant: Shakeel A. Niazi, DDS  
6964 Crooks Road, Suite 3